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5 **UNITED STATES DISTRICT COURT**  
6 **DISTRICT OF NEVADA**

7 GUSTAVO ZAMORA DEL CASTILLO,

8 *Petitioner,*

9 vs.

10 JANET NAPOLITANO, *et al.*,

11 *Respondents.*  
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2:12-cv-01387-JCM-PAL

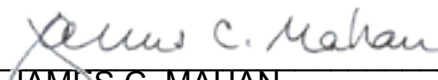
ORDER

14 The represented petitioner has filed a habeas petition under 28 U.S.C. § 2241 seeking  
15 to challenge his detention by immigration authorities without either paying the filing fee or filing  
16 an application to proceed *in forma pauperis*. Given the nature of the petition presented, it  
17 does not appear that a dismissal without prejudice of this improperly-commenced action will  
18 constitute the functional equivalent of a dismissal with prejudice.

19 IT THEREFORE IS ORDERED that this action is DISMISSED without prejudice to the  
20 filing of a new petition in a new action under a new docket number accompanied by either the  
21 required filing fee or a properly completed application to proceed *in forma pauperis*.

22 The clerk of court shall enter final judgment accordingly, dismissing this action without  
23 prejudice.

24 DATED: August 15, 2012.

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27 JAMES C. MAHAN  
28 United States District Judge